

REMARKS

This Amendment is submitted in response to the October 24, 2003 Office Action issued in connection with the above-identified patent application. By this Amendment, claims 1, 13 and 25 have been amended as set forth above and claim 24 has been canceled. Independent claim 1 is directed to a method for providing location-dependent services information to a mobile station. Independent claim 13 is directed to a system for providing location-dependent services information to a mobile station. Independent claim 25 is directed to a mobile station. New claims 30-38 have also been added, including independent method claim 30 and independent system claim 35. No new matter has been added. **A check in the amount of \$334.00 for the 9 additional claims (2 independent) is enclosed.**

Upon entry of this Amended the pending claims will be amended independent method claim 1 (with claims 2-12 depending therefrom), amended independent system claim 13 (with claims 14-23 depending therefrom), amended apparatus claim 25 (with claims 26-29 depending therefrom), new independent method claim 30 (with claims 31-34 depending therefrom) and new independent system claim 35 (with claims 36-38 depending therefrom). The Examiner's consideration of the amended and new claims is respectfully requested in view of the following comments.

In the Office Action, the Examiner has rejected claims 1-3, 6, 13-15, 18 and 24 as allegedly anticipated under 35 U.S.C. 102(e) by U.S. Patent No. 6,452,498 (Stewart). Citing 35 U.S.C. 103(a) the Examiner has rejected claims 4, 5, 16 and 17 as allegedly rendered obvious by the combination of Stewart and U.S. Patent No. 6,327,535 (Evans); and has rejected claims 7 and 19 as allegedly rendered obvious by the combination of Stewart and U.S. Patent No. 6,208,866. The Examiner has indicated that claims 8-12, 20-23 and 25-29 would be allowable if amended to incorporate the limitations of the respective base claims and any intervening claims.

Turning first to the allowable subject matter, by this amendment new claim 30 has been added which is, in effect, the combination of claims 1 and allowable claim 8. Accordingly, it is believed that

new claim 30 and its dependent claims 31-34 are allowable. New claim 35 has also been added which is, in effect, the combination of claim 13 and allowable claim 20. Thus, it is believed that new claim 35 and its dependent claims 36-38 are believed to be allowable. Also, independent claim 24 has been cancelled and has now been included in amended claim 25. Therefore, it is believed that independent claim 25 and its dependent claims 26-29 are allowable.

Before addressing the rejections based on Stewart, a brief discussion of the present invention is provided.

In general terms, the present invention is used with a "pull" type information system which provides information to a user only upon a user's request. This is in contrast to a "push" type system wherein information is constantly being transmitted (regardless of whether a user has requested such information) and the receipt of the information depends on the location of the receiving device with respect to the "pushed" information.

As explained on page 5, lines 5-11 of the subject application, the present invention is directed to solving the following problems:

"There are difficulties in accessing location dependent services from local RF communication systems and from SMS because the short message queries used to solicit such services information must be formulated, e.g. **by depressing numerous keys on a mobile station keypad**, etc. Moreover, the user will not know, until such a service request is placed, where such desired information is located, i.e. on a local RF server or on an SMS server. Thus, the user may be required to submit multiple inquiries and then select among the received transmissions, to obtain the desired information." (emphasis added).

Accordingly, the present invention allows a user of a mobile station to easily launch a query to obtain information about available location-based services by simply depressing a dedicated service key. This alleviates the need for a user to select multiple keys on a keypad of the mobile station to obtain such information. As can be appreciated, it is oftentimes desirable, for reasons of safety, to limit the amount of keystrokes needed to operate the mobile station, especially when the mobile station user is operating a vehicle while attempting to obtain location-based services information.

The method of amended claim 1 and the system of amended claim 13 now specifically recite "a dedicated service access key", which initiates searching of location-dependent services. Thus, the communication query generated by the mobile station is directly linked to the service access key. In other words, the method and apparatus use a previously stored (predetermined) location-dependent service information query that is transmitted in response to the activation of the service access key if it is determined that the mobile station is within the operating range of the beacon.

In contrast, although Stewart teaches a system and method for providing geographic-based advertising, it is a "push" advertising system. In Stewart, the location of the user is determined with the help of access points, and advertisements are pushed to the user based on the user's location. Specifically, the network accesses the information providers based on the user's location to provide data to the mobile unit. See, Stewart, Col. 3 lines 29-32.

Moreover, Stewart does not address the problem of unnecessary keying or propose a solution. According to the Abstract:

"A geographic-based communications service system has a mobile unit for transmitting/receiving information, and access points connected to a network. The access points are arranged in known geographic locations and transmit and receive information from the mobile unit. When one of the access points detects the presence of the mobile unit, it sends a signal to the network indicating the location of the mobile unit and the information requested by the mobile unit. Based on the signal received from the access point, the network communicates with information providers connected to the network and provides data to the mobile unit through the access point corresponding to the location of the mobile unit." (emphasis added)

In an alternate embodiment of Stewart, the mobile unit 5 initiates a request for information from the network 15. "For example, the user of the mobile unit 5 finds the location of the nearest automatic teller machine (ATM) **by entering the request into the mobile unit 5**, which will be received by the nearest AP (access point) 10. AP 10 forwards this request for information to the network 15. Network 15 routes the request to a service and information provider who obtains the requested information transmits it back to mobile unit 5 through AP 10." (Stewart, Col. 7, lines 52-59. Thus, Stewart does not teach the use

of a dedicated services access key to generate a query for obtaining location-based services information in the event the mobile station is within the operating range of a beacon. Rather, with the Stewart system and method, users have to access multiple keys in order to compose a query which is then transmitted in order to solicit information for location-based services.

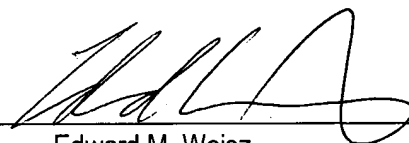
Based on the foregoing reasons, it is believed that claims 1-3, 6, 13-15, 18 and 24 are not anticipated, or rendered obvious, by Stewart and are, therefore, patentable.

As for claims 4, 5, 7, 16, 17, and 19, these claims have been rejected under 35 U.S.C. 103(a) on the combination of Stewart, as a primary reference, with either Evans, or the '866 patent. Evans was cited for its use of Bluetooth technology. The '866 patent was cited for its reference to a mobile phone. Because claims 4, 5, 7, 16, 17, and 19 are dependent on respective base claims -- which are believed to be patentable for the reasons set forth above -- it is submitted that these dependent claims are also patentable.

If any additional fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 

Edward M. Weisz
Reg. No. 37,257
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: January 20, 2004